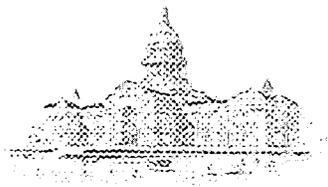


## **Appendix**

# The Senate of The State of Texas



Senator Eddie Lucio, Jr.

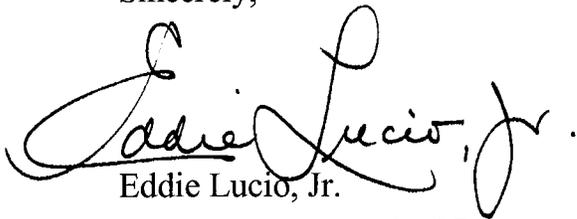
October 17, 2000

The Honorable Florence Shapiro  
Chair, Senate Committee on State Affairs  
P.O. Box 12068  
Austin, TX 78711

Dear Chair Shapiro:

Congratulations on an excellent interim; I appreciate the work that you and the Committee have undertaken. I take this opportunity to write to you concerning Charge 3, Commercial Truck Safety. Although I have initial concerns about the possible impact of some of the recommendations on Border communities and constituencies, such as the Brownsville area and independent truckers, I have signed the report for interim Charge 3 in the spirit of further study and cooperation. I will work with you, as well as with my constituency, during the upcoming legislative session to ensure that the economic vitality of the Border region is not negatively impacted by the implementation of any of these recommendations.

Sincerely,

  
Eddie Lucio, Jr.  
State Senator, District 27



**FILED**  
10-18-00

TEXAS

FY 2000

VEHICLE SIZE AND WEIGHT

ENFORCEMENT PLAN

July 1, 1999

# TEXAS DEPARTMENT OF TRANSPORTATION

## TEXAS - FY 2000 VEHICLE SIZE AND WEIGHT ENFORCEMENT PLAN

### TABLE OF CONTENTS

SECTION	PAGE NO.
A. FACILITIES AND EQUIPMENT	1 - 2
B. OPERATIONS	2 - 3
C. RESOURCES	4
D. PRACTICES	4 - 5
E. CHANGES IN STATE LAWS AND REGULATIONS	6
F. GOALS	6
G. EVALUATIONS	7
H. SUPPLEMENTAL INFORMATION Exhibit #1 Permissible Weight Table Exhibit #2 Commercial Vehicle Length & Weight Diagrams Exhibit #3 DPS Service Regional boundaries Exhibit #4 Weigh Areas diagram Exhibit #5 Cash bond program Exhibit #6 Administrative Order No. 11-84	

TEXAS VEHICLE SIZE AND WEIGHT ENFORCEMENT PLAN  
ANNUAL UPDATE FOR FY 2000  
October 1, 1999 through September 30, 2000

**A. FACILITIES AND EQUIPMENT**

**Permanent Scales**

Interstate locations	19
Non-interstate locations	<u>21</u>
Total	<u>40</u>

**Locations**

1. IH-20 Eastbound @ MP 512 near Terrell/Kaufman County
2. IH-20 Westbound @MP 512 near Terrell/Kaufman County
3. IH-20 Eastbound @MP 546 near Tyler/Smith County
4. IH-20 Westbound @ MP546 near Tyler/Smith County
5. ST 114 @10 miles west of Roanoke/Denton County
6. US 75 Southbound @Dennison/Grayson County
7. IH-10 Eastbound @1 mile east of Brazos River near Brookshire/Waller Co.
8. IH-10 Westbound @1 mile west of Brazos River near Sealy/Austin County
9. US 59 Northbound @ Hungerford/Wharton County
10. IH-10 Eastbound @ MP 812;14 miles west of Winnie/Chambers County
11. IH-10 Westbound @ MP 812;14 miles west of Winnie/Chambers County
12. US 77 @ Riviera/Kleberg County
13. IH-10 Eastbound @ Kingsbury/Guadalupe County
14. IH-10 Westbound @ Kingsbury/Guadalupe County
15. US 59 Northbound @ Inez/Jackson County
16. US 59 Southbound @ El Toro/Victoria County
17. US 59 near Fannin/Goliad County
18. US 181 North of Skidmore/Bee County
19. US 59 East of Beeville/Bee County
20. US 77 Northbound @ 2 miles south of Refugio/Refugio County
21. US 83 Southbound east of Alamo/Hidalgo County
22. US 83 Northbound east of Alamo/Hidalgo County
23. IH-37 Southbound @Three Rivers/Live Oak County
24. IH-37 Northbound @Three Rivers/Live Oak County
25. US 281 South of Falfurrias/Brooks County
26. IH-35 Northbound @ Devine/Medina County
27. IH-35 Southbound @ Devine/Medina County
28. IH-20 Westbound @ 9 miles west of Odessa/Ector County
29. IH-20 Eastbound @ 9 miles west of Odessa/Ector County
30. US 84 @ MP 410 south of Snyder/Scurry County
31. US 84 Northbound Slaton/Lubbock County
32. US 187 N/S bound north of Childress/Childress County
33. IH-45 Southbound @ .7 miles north of Centerville/Leon County
34. TX 6 Southbound @ 5.5 miles south of Hearne/Robertson County
35. IH-35 Southbound @ 1.3 miles north of San Marcos/Hays County
36. IH-35 Northbound @ 2.5 miles north of San Marcos/Hays County
37. Loop 375 Eastbound @ 1.4 miles east of US54 in El Paso/El Paso County
38. Loop 375 Westbound @ intersection of Zaragosa St. in El Paso/El Paso County
39. US 59 northbound @ Queen City/Cass County
40. Junction of US 60 and TX 152, 8 miles east of Pampa/Gray County

The aforementioned weigh sites were constructed and are maintained by the Texas Department of Transportation (TxDOT).

## **A. FACILITIES AND EQUIPMENT (Continued)**

The weigh sites are equipped with permanent scales to detect single axle, tandem axle, and gross weight violations. Violations are cited based on static scale weights. There are no set hours of operation of these scales as the Texas Department of Public Safety (DPS) believes that more effective enforcement can be conducted with random hours of operation.

In addition to the above permanent scale facilities, the following locations are either being constructed by TxDOT or awaiting installation of permanent scales by DPS.

1. FM 1472 @ Mines Road/Eastbound 2.5 miles east of FM255/Laredo/Webb Co.
2. FM 1472 @ Mines Road/Westbound .7 miles east of FM3338/Laredo/Webb Co.
3. IH-45 Northbound with Weigh-in-Motion near New Waverly/Walker County.

### **Semi-portable Scales Locations**

The DPS utilizes 33 semi-portable scales in the following sergeant districts where information indicates heavy commercial vehicle traffic:

Garland, Tyler, Hurst, Mount Pleasant, Queen City, Houston, Baytown, Beaumont, Huntsville, Lufkin, Richmond, Corpus Christi, San Antonio, Victoria, McAllen, Devine, Alice, Laredo, Harlingen, Midland, Abilene, San Angelo, El Paso, Ft Stockton, Del Rio, Lubbock, Amarillo, Wichita Falls, Childress, Waco, Austin, San Marcos, and Palestine.

The semi-portable scales are used to strengthen the state's enforcement effort at weigh stations that are not equipped with permanent scales, on the improved shoulder of various highways and in parking areas. The DPS utilizes approximately 58 locations that were constructed by TxDOT for their semi-portable scale operations.

### **Portable scales**

The DPS utilizes the PT300 portable scales manufactured by the Intercomp Corporation. The scales are electronic and accurate to within one (1%) percent. Each scale weighs in 50-pound increments and has a weight capacity of 20,000 pounds. The Department has a total of 1,444 portable scales. Each of the License & Weight vehicles is equipped with a set of portable scales. The remainder of the scales are distributed to each Sergeant District to be used as spares for replacement of broken or inoperable scales

### **Weigh-in-Motion scales**

The permanent scale facilities on Interstate 35 in Devine are equipped with weigh-in-motion scales. These scales are constructed off the main lanes of the highway and are used as screening devices only to determine if a vehicle has to be weighed on static scales.

The permanent scale facility on Interstate 45 near New Waverly will also include weigh-in-motion scales. The weigh station is currently under construction and is scheduled for operation in the spring of 2000.

## **B. OPERATIONS**

License & Weight troopers are assigned to a five-day workweek varying their duty hours between day and night shifts. Seventeen percent of the hours worked by each trooper during the month consist of night hours. Trooper schedules are determined by the area supervisor and take into consideration such factors as traffic flow patterns, types of transportation, time, routes utilized, and special projects or harvest times.

**B. OPERATIONS (Continued)**

**Permanent Scales**

The operation of permanent scale facilities is conducted to weigh and inspect commercial motor vehicles for motor carrier safety compliance in high traffic volume areas. The hours of operation will vary from as little as two hours to a two to three day continuous operation. The number of personnel scheduled per operation will vary from a minimum of three to as many as ten troopers. The following permanent scale facilities are scheduled to be operated for a minimum of 40 hours per week:

1. Interstate 35 southbound and northbound @ San Marcos/Hays County
2. US 77 @ Riviera/Kleberg County
3. US 59 northbound @ Queen City/Cass County
4. Loop 375 eastbound and westbound in El Paso/El Paso County
- Note: These facilities will be operated in conjunction with the Custom's Ports of Entry.
5. IH-45 southbound at Centerville/Leon County (20 hours)
6. IH-30 eastbound and westbound near Mount Pleasant/Titus County

Due to the number of troopers available in the districts, the following weigh station facilities are treated as pairs and will be operated as such for the hours indicated:

1. IH-20 eastbound and westbound, 9 miles west of Odessa/Ector County IH-20 @ Van Horn/Culberson County	50 hours
2. US 83 eastbound, east of Alamo/Hidalgo County The Custom's Port of Entry at Pharr/Hidalgo County	40 hours
3. US 281 south of Falfurrias/Brooks County IH-37 northbound and southbound @ Three Rivers/Live Oak County	40 hours

Emphasis will be placed on achieving the maximum utilization of all of the above facilities during the upcoming year.

**Semi-portable Scales**

The use of semi-portable scales was incorporated into the DPS weight enforcement program to complement the use of permanent and portable scales. The semi-portable scales are used primarily at weigh areas constructed by TxDOT, which are not suitable for permanent scale installations. They are also used on the improved shoulders of highways and bypasses which afford the troopers maximum security from other users of the highway. The scales are operated for a minimum of two hours with a minimum of three troopers. Each semi-portable scale is required to be scheduled a minimum of 32 hours per month, barring any unexpected circumstances such as repairs, weather, etc.

**Portable Scales**

Each DPS License & Weight patrol unit is equipped with a set of portable scales. During normal routine patrol duties, troopers utilize these scales to weigh vehicles randomly selected. The portable scales weigh one axle or a tandem axle at a time. After each group of axles is weighed, the axle limitations and bridge formula are applied to determine the extent the vehicle is overweight and the amount of the cargo to be shifted or unloaded. Based upon the degree of violation, a citation may be issued.

### C. RESOURCES

The DPS is the primary agency empowered by the Texas Legislature with the authority to enforce vehicle size and weight limits on all public highways, including those state-maintained highways within the limits of incorporated cities.

There are 371 personnel involved in the enforcement program. These personnel consist of the following:

323	Mobile License & Weight Troopers
48	License & Weight Supervisors

The License & Weight Service has an annual operating budget of \$15,998,705 allocated as follows:

Enforcement Personnel	\$14,307,132
Equipment	\$ 182,944
Other Operating/Travel	\$ 1,508,629
Total Budget	\$15,998,705

The 76th Texas Legislature adjourned May 31, 1999 and the amount for the FY 2000 budget has not been approved at this time. The above levels reflect the FY 99 allocations. The FY 2000 budget should be in excess of the above amount. The Legislature did authorize the DPS to increase the License & Weight Service by 30 non-commissioned positions during the FY 2000-01 biennial. Twenty-five of these positions will be added during FY 2000 and the remaining five will be allocated during FY 2001.

### D. PRACTICES

The Texas Transportation Code, Chapter 621, charges the Department of Public Safety with the enforcement of the size and weight laws, as well as other applicable sections. Copies of the applicable sections have been submitted in a previous document and are available upon request. Texas Transportation Code, Chapter 621, established the state's legal weight limits. These limits are compatible with the permissible weights as approved by the Federal Highway Administration.

The Texas Transportation Code, Chapter 621, provides that a commercial vehicle weighing in excess of five (5%) percent of the maximum weight allowed for the vehicle, axle, or group of axles must off-load the cargo or shift the load as may be necessary to decrease the weight to the maximum weight allowed by statute plus any tolerance allowance.

The Texas Transportation Code, Chapter 621 establishes the penalty for violation of the weight statutes. Violations of the axle weight limitations are punishable by a fine of \$100 to \$150. Gross weight violations up to 5,000 pounds over the legal limits are punishable by a fine of \$150 to \$300. Violations between 5,001 and 10,000 pounds are punishable by a fine of \$300 to \$500. Violations above 10,000 pounds are punishable by a fine not less than \$500 and not more than \$1,000. Penalties for subsequent violations within twelve (12) months after a conviction of the weight law are doubled. Violations of the weight statutes are handled by either the Justice of the Peace Court in the county in which the violation occurs or the municipal court if the violation occurs inside the city. Fifty percent (50%) of the fines for violations over 5,000 pounds are forwarded by the county or the city to the state unless the violation occurs within 20 miles of the Texas/Mexico border. These funds have been rededicated to the Department of Public Safety for use in the enforcement of the size and weight statutes. However, the Legislature has not authorized the DPS to spend the funds.

## D. PRACTICES (Continued)

Texas Transportation Code, Chapter 621, specifies the legal-size limits of commercial vehicles. These limits are compatible with federal size limits. The Texas Transportation Code, Chapter 621, provides the penalties for violation of the size restrictions. Transportation Code, Chapter 623 provides for the issuance of oversize/overweight permits by TxDOT.

TxDOT is the lead agency responsible for the Size and Weight program. Though not a law enforcement agency, it is vitally concerned and interested in the enforcement of size and weight limits due to highway safety and roadway damage.

TxDOT has the responsibility of constructing, reconstructing, maintaining, and operating the approximately 77,200 miles of the state highway system. TxDOT cooperates with DPS to enforce the size and weight limits on Texas highways. A cooperative agreement has been established between TxDOT and DPS for weigh strips construction and maintenance. TxDOT will provide the location and construction for a site and assist DPS in securing funds for the purchase of new scales.

TxDOT has also been charged by the Legislature with the responsibility of issuing permits for the movement of oversize and/or overweight loads that cannot be reasonably dismantled or disassembled.

TxDOT's Motor Carrier Division issues oversize/overweight permits for the following:

1. Single-trip for non-divisible loads;
2. Manufactured housing;
3. Portable buildings;
4. Multiple trips for overwidth or overlength only;
5. Time permits for oil well servicing units and mobile cranes;
6. Single-trip mileage permits for oil well servicing units and mobile cranes;
7. Annual overweight permits for divisible loads not traveling on the interstate system;
8. Annual envelope vehicle permits for vehicles falling within specified dimensions;
9. Annual manufactured housing permit;
10. Annual implement of husbandry;
11. Annual permits for cylindrical bales of hay;
12. Multi-state permits issued under a reciprocal agreement with another state; and
13. Texas 72/144 hour permits and one-trip temporary registration.

Prior to the issuance of an oversize/overweight permit, the permittee must register their insurance with the department as required by Texas Transportation Code, Chapter 643 or Chapter 645 or file a bond with the department, in an amount determined by the Texas Transportation Commission to cover damages to the highway system.

TxDOT's Motor Carrier Division maintains surety bond files for overweight ready-mixed concrete trucks, concrete pump trucks, and for vehicles hauling solid waste and recyclable materials not traveling on the interstate system.

TxDOT's Motor Carrier Division maintains oversize/overweight permit files on the department's mainframe computer system. All permits are up-loaded to the computer system within 30 seconds after the permit has been issued. The DPS has immediate access to permit information to aid in the enforcement of oversize/overweight permits.

The MCD will void any permit if notified by a DPS trooper that a load is being transported in violation of the conditions stated on the permit. The permittee may not transport an over dimensional load with a void permit, a new permit must be purchased.

**E. CHANGES IN STATE LAWS AND REGULATIONS**

The 76th Texas Legislature convened on January 12, 1999 and the session ended May 31, 1999. A copy of each bill will be included in the FY 2000 Texas Size and Weight Enforcement Certification.

**F. GOALS**

**Short term goals (1 year)**

1. To stop and check 650,000 trucks for size and weight enforcement.
2. Weigh 520,000 vehicles on fixed, semi-portable, portable, and weigh-in-motion scales in the following amounts:

Fixed	200,000
Semi-portable	40,000
Portable	30,000
Weigh-in-motion	250,000
3. Increase the number of personnel (non-commissioned) to the License & Weight Service by 25.
4. Purchase a permanent scale for the New Waverly weigh station currently being constructed.
5. Train urban and municipal officers in weight enforcement.
6. Provide educational information to judges about the true costs of overweight vehicles during the annual training seminars held by the Judicial Counsel. The information will be from the Judicial Outreach Program developed by FHWA.
7. Review, monitor, and evaluate the amount of use each type of scale receives to insure effective enforcement.
8. Continue to evaluate the use of weigh-in-motion technology at the Devine sites.
9. Conduct annual in-service training classes for all License and Weight troopers.
10. Provide a basic License & Weight course for all new troopers.
11. DPS will continue to work with TxDOT on the design and construction of the new scale facility on Interstate 45 in Walker County that will include weigh-in-motion technology.

**Medium term goals (2-3 years)**

1. Increase the number of non-commissioned License & Weight personnel by five.
2. Increase the number of support personnel by ten.
3. Evaluate the need for increased personnel and additional facilities.
4. Determine the type of violations occurring and if the number of overweight vehicles is increasing or decreasing.
5. Secure funding to maintain the programs.
6. Secure additional weigh-in-motion systems within the state.
7. Provide Size & Weight training to local law enforcement agencies.
8. Continue to monitor traffic flow to determine feasibility of additional pull-out weigh strips.
9. DPS will continue to work with TxDOT in the development and maintenance of weigh strips.

**Long term goals (3 or more years)**

1. Reduce damage to the state's highway infrastructure by maintaining an effective enforcement program.
2. DPS will continue to work with TxDOT to construct additional weigh stations at strategic locations.
3. Fund and maintain an effective enforcement program.
4. Promote cooperation with other state agencies to support the program.
5. Seek and use data and technical expertise from FHWA to enhance the program.

## G. EVALUATIONS

The Department has started a process to reevaluate its weight enforcement program and the overall commercial vehicle enforcement program due to the decline in funding. Several crises in Texas unrelated to commercial vehicle and size and weight enforcement has had an impact on the License & Weight Service's regular duties and impacted the resources of the agency. As a result of this impact on resources, the troopers have had to become more stationary which has resulted in more vehicles being checked and weighed at the permanent scale facilities. This increase in activity at the permanent facilities will impact the enforcement program on rural highways that do not have permanent scale facilities. The Department has to establish a balance between these types of enforcement activities in order to make our weight enforcement program effective.

The weight enforcement program for DPS made a significant change in FY 98 with the implementation of the weigh-in-motion (WIM) scales at the Devine facilities. This was the first time that the Department has actually used the WIM as a screening device at the scale facilities. The WIM scales have proven to be both accurate and reliable. The scales have allowed DPS to identify many axle violations that would normally have not been detected. DPS staffed the facility with sufficient personnel to operate these facilities at or above 40 hours per week.

DPS is working with TxDOT and the Walker County officials on the construction of the permanent scale facility north of New Waverly on Interstate 45. This facility will also include weigh-in-motion scales.

TxDOT experienced a record year in FY 98 with the issuance of 505,380 oversize/overweight permits. We believe that this is attributed to the economy as well as effective size and weight enforcement. TxDOT has experienced a 5% increase per year from 1992 to 1998. With the projected economic growth and continued effective enforcement, it is anticipated that the issuance of oversize/overweight permits could meet or surpass the FY 98 numbers.

TxDOT maintains a direct mainframe computer link with the Texas Law Enforcement Telecommunications System (TLETS) for immediate access to oversize/overweight permit data.

Upon request, TxDOT provides an oversize/overweight training module for the annual in-service training classes for all License and Weight troopers. In addition, TxDOT also provides an oversize/overweight permit training module for the basic License & Weight course for all new troopers.

TxDOT also provides copies of the Summary of Reciprocity Agreements booklet, Oversize/Overweight Permit Rules and Regulations, Motor Carrier Rules and Regulations booklet, and other publications as requested, to assist in educating the motor carrier industry for increased compliance with rules and regulations.

Permissible Weight Table

Distance in Feet	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
8+	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,500				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,500	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,900*	54,000	59,000		
19		51,400*	54,500	60,000		
20		52,800*	55,500	60,500	66,000	
21		54,000*	56,000	61,000	66,500	
22		54,000*	56,500	61,500	67,000	
23		54,000*	57,500	62,500	68,000	
24		54,000	58,700*	63,000	68,500	74,000
25		54,500	59,650*	63,500	69,000	74,500
26		55,500	60,600*	64,000	69,500	75,000
27		56,000	61,550*	65,000	70,000	75,500
28		57,000	62,500*	65,500	71,000	76,500
29		57,500	63,450*	66,000	71,500	77,000
30		58,500	64,000*	66,500	72,000	77,500
31		59,000	65,350*	67,500	72,500	78,000
32		60,000	66,300*	68,500	73,000	78,500
33			67,250*	68,500	74,000	79,000
34			68,200*	69,000	74,500	80,000
35			69,150*	70,000	75,000	
36			70,100*	70,500	75,500	
37			71,050*	71,050	76,000	
38			72,000*	72,000*	77,000	
39			72,000*	72,500	77,500	
40			72,000*	73,000	78,000	
41			72,000*	73,500	78,500	
42			72,000*	74,000	79,000	
43			72,000*	75,000	80,000	
44			72,000*	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		

\*These figures were carried forward from Article 6701d-11, §5(a)(4) when Senate Bill 89 of the 64<sup>th</sup> Legislature amended it on December 16, 1974. The amendment provided that axle configurations and weights that were lawful as of that date would continue to be legal under the increased weight limits.

+These figures apply only to an axle spacing greater than 8 feet but less than 9 feet.



# Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

December 13, 1999

1999 Vehicle Size and Weight  
Enforcement Certification

Mr. C. D. Reagan, Division Administrator  
Federal Highway Administration  
Office of Motor Carriers  
300 East 8<sup>th</sup> Street, Room 826  
Austin, TX 78701

Dear Mr. Reagan:

In response to the requirements of Title 23, United States Code Section 141, I am submitting the Texas Annual Certification of Enforcement for Fiscal Year 1999 beginning October 1, 1998 through September 30, 1999. The Certification and supporting documentation provide information to address the elements in 23 USC Part 657.

Please advise this office when this Certification has been approved. If additional information is required, please contact Mr. Lawrance Smith or Mr. Monty Chamberlain at (512)465-3500.

Sincerely,

Charles W. Heald, P. E.  
Executive Director

Enclosures

cc: The Honorable George W. Bush  
Governor of Texas  
State Capitol  
Austin, Texas 78711

**TEXAS - FY99**  
**VEHICLE SIZE AND WEIGHT CERTIFICATION**

**A. CERTIFICATION BY THE GOVERNOR OR DESIGNEE**

1. Certification
2. Signature Authorization

**B. URBAN AREA ENFORCEMENT**

**C. CHANGES IN STATE LAWS AND REGULATIONS**

1. Law Changes
2. Regulation Changes
3. Fee Changes
4. Fine Changes

**D. COMPARISON OF ACTUAL AND PLANNED ENFORCEMENT**

**E. MEASURES OF ACTIVITY**

1. Size and Weight Enforcement
2. Oversize/Overweight Permit Issuance

**F. COMPARISON OF ENFORCEMENT EFFORTS FROM 1992 THROUGH 1999**

1. Number of Vehicles Weighed
2. Number of Citations

**G. DEPARTMENT OF PUBLIC SAFETY ANNUAL ENFORCEMENT BUDGET**

**TEXAS - FY99  
VEHICLE SIZE AND WEIGHT CERTIFICATION**

**A. CERTIFICATION BY THE GOVERNOR OR DESIGNEE**

1. Certification.

I, Charles W. Heald, P.E., Executive Director, Department of Transportation of the State of Texas do hereby certify: (1) That all State laws and regulations governing vehicle size and weight are being enforced on those highways which, prior to October 1, 1991, were designated as a part of the Federal-aid Primary, Federal-aid Secondary, or Federal-aid Urban Systems; (2) That the State is enforcing the freeze provisions of the Intermodal Surface Transportation Efficiency Act of 1991 [23 U.S.C. 127(d) and 49 U.S.C. 3112]; and (3) That all State laws governing vehicle weight on the Interstate System are consistent with 23 U.S.C. 127(a) and (b).

Original signed by Charles W. Heald  
Charles W. Heald, P.E.  
Executive Director

12-13-99  
Date

2. Signature Authorization.

A letter from Governor George Bush dated May 23, 1995 designating me as the primary official to submit this certification is included with this certification.

**B. URBAN AREA ENFORCEMENT**

The Department of Public Safety (DPS) is the primary agency empowered by the Legislature with the authority to enforce the vehicle size and weight limits on all public highways, including those state-maintained highways within the limits of incorporated cities. Texas Transportation Code Chapter 621 sets forth their authority.

## C. CHANGES IN STATE LAWS AND REGULATIONS

### 1. Law Changes.

The following changes to the size and weight statutes were made to the Texas Transportation Code by the 76<sup>th</sup> Legislature in 1999. The laws became effective on September 1, 1999 unless otherwise noted.

**Senate Bill 934** amends Transportation Code, Chapter 623, Subchapter K, which allows the department to authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States. This bill allows the Port of Brownsville to retain five percent more of the revenue collected from permit issuance (effective on September 1, 1999) and will also add portions of U.S. Highway 77 and U.S. Highway 83 to the route for travel under permits issued by the Port of Brownsville.

**House Bill 1147** amends Transportation Code, Chapter 622, Subchapters D, E, and F regarding lighting and red flag requirements for certain vehicles with extended loads which would add new lighting requirements for vehicles transporting utility poles – changing red flags to red reflectors and red lamps.

**House Bill 1538** amends Transportation Code, §§623.071 (d) – (g) which authorizes the issuance, by the Texas Department of Transportation, of annual permits to a company to move certain superheavy or oversize equipment on a state highway that cannot be reasonably dismantled and does not exceed 12 feet wide, 14 feet high, 100 feet in length, or 120,000 pounds gross weight. This permit is similar to the annual envelope vehicle permit authorized by the 75<sup>th</sup> Legislature (1997), with the exception that the original permit must be carried in the vehicle transporting the oversize or overweight load.

Copies of the aforementioned bills are included in this packet.

### 2. Regulation Changes.

State regulations have been amended, or are in the process of being amended, to institute the legislative actions outlined in Section C1 of this document.

### 3. Fee Changes.

There have been no changes to the fees for oversize/overweight permits in 1999, with the exception of fees associated with the annual permit implemented under House Bill 1538.

### 4. Fine Changes.

There were no changes to the fines applicable to the size and weight statutes.

## D. COMPARISON OF ACTUAL AND PLANNED ENFORCEMENT

The DPS's short term, medium term, and long term goals are designed to support and maintain its enforcement program. The DPS accomplished the following goals.

Short-term goals versus actual operation are as follows:

**Goal 1:** To stop and check 650,000 trucks for size and weight enforcement.

**Actual:** DPS stopped and checked 919,607 trucks for size and weight enforcement during the fiscal year. This level of enforcement is a result of an increase in the hours the weigh stations are being operated.

**Goal 2:** Weigh 440,000 vehicles on fixed, semi-portable, portable, and weigh-in-motion scales in the following amounts:

Fixed	190,000
Semi-portable	40,000
Portable	30,000
Weigh-in-motion	180,000

**Actual:** DPS weighed a total of 690,208 vehicles during the fiscal year on fixed, semi-portable, portable, and weigh-in-motion scales in the following amounts:

Fixed	442,693
Semi-portable	42,174
Portable	26,841
Weigh-in-motion	178,500

**Goal 3:** Purchase a permanent scale for the weigh station that will be constructed on Interstate 45 south of Huntsville.

**Actual:** The permanent scale for the weigh station in New Waverly is being purchased by Walker County.

**Goal 4:** Train urban and municipal officers in weight enforcement.

**Actual:** DPS trained 20 municipal officers from the San Antonio Police Department during the year. The course for the municipalities is currently being revised.

**Goal 5:** Provide educational information to judges about the true costs of overweight vehicles during the annual training seminars held by the Judicial Counsel. The information will be from the Judicial Outreach Program developed by FHWA.

**Actual:** No formal training sessions were provided to judges during the year.

**Goal 6:** Review, monitor, and evaluate the amount of use each type of scale receives to ensure effective enforcement.

**Actual:** Because of the decision of the DPS to operate the permanent weigh stations for more hours, the use of the permanent scales and semi-portable scales has increased significantly. This has resulted in a reduction in the number of vehicles weighed with the portable scales. However, this balance is acceptable within the overall concept of the weight enforcement program.

**Goal 7:** Evaluate the use of Weigh-in-motion technology at the Devine site.

**Actual:** The Weigh-in-Motion scales at Devine continue to prove to be very accurate and dependable. The accuracy of the scales has increased the number of axle weight violations discovered on Interstate 35 in that area. The troopers enjoy working at the facility. The Department is also looking forward to the completion of the new facility in New Waverly, which will also have Weigh-in-Motion scales.

**Goal 8:** Provide basic License & Weight course for all new troopers.

**Actual:** A Basic License & Weight Part II school was conducted for the new L&W troopers in July 1999. In-service training will be conducted for the License & Weight troopers in March and April 2000. The in-service training is conducted every two years in the year following the legislative session.

**Goal 9:** Work with TxDOT on the design and construction of the new scale facility on Interstate 45 in Walker County that will include weigh-in-motion technology.

**Actual:** The final design for the new scale facility in New Waverly on Interstate 45 in Walker County has been approved. TxDOT has approved and awarded a contract for the construction of the facility, which should be open in the spring 2000. The new facility will include weigh-in-motion technology.

## E. MEASURE OF ACTIVITY

### 1. Size and Weight Enforcement.

<b>Vehicles weighed</b>	<b>Last Year</b>	<b>This Year</b>
Weighed fixed scales	380,624	442,693
Weighed semi-portable scales	23,577	42,174
Weighed portable scales	34,750	26,841
Weighed by WIM	161,719	178,500
Total weighed	600,670	690,208
Percent of change	79.61%	14.91%
Screened by HSWIM	0	0
<b>Citation Issued</b>		
Axle weight violations	30,382	33,536
Gross weight violations	13,007	13,961
Bridge Formula Violations	11,423	11,937
Total	54,812	59,434
Percent of change	85.92%	8.43%
<b>Other Enforcement</b>		
Number of load shifts	8,010	7,127
Number of off-loads	7,605	4,355
Total	15,615	11,482

### 2. Oversize/Overweight Permit Issuance.

<b>Type of Permit</b>	<b>Last Year</b>	<b>This Year</b>
Nondivisible overweight trip permits	128,770	106,425
Nondivisible overweight Annual	9,630*	9,733*
Divisible overweight trip permits	0	0
Divisible overweight Annual	14,530	15,970
Overwidth divisible Annual	0	0

\*This number is derived from time permits, quarterly permits and calendar year permits.

F. COMPARISON OF ENFORCEMENT EFFORTS FROM 1992 THROUGH 1999

1. Number of Vehicles Weighed.

1992	1993	1994	1995
145,658	142,386	211,111	268,895
-20%	-3%	48%	27%

1996	1997	1998	1999
259,645	334,437	600,670	690,208
-3.44%	32.66%	79.61%	14.91%

8-year average 331,626

6-year average 303,403

The 8-year average is figured by adding all years and dividing by 8, the 6-year average is figured by subtracting the highest and lowest figures and dividing by 6.

2. Number of Citations.

1992	1993	1994	1995
13,386	18,125	20,473	20,219
-6%	35%	13%	-1.3%

1996	1997	1998	1999
22,678	29,481	54,812	59,434
12.16%	30%	85.92%	8.43%

8-year average 29,826

6-year average 27,631

The 8-year average is figured by adding all years and dividing by 8, the 6-year average is figured by subtracting the highest and lowest figures and dividing by 6.

G. DEPARTMENT OF PUBLIC SAFETY ANNUAL ENFORCEMENT BUDGET

Texas annual enforcement budget is \$15,998,705. Due to the computer problems, DPS is unable to determine the amount of criminal assessments for FY99.



STATE OF TEXAS  
OFFICE OF THE GOVERNOR

GEORGE W. BUSH  
GOVERNOR

May 23, 1995

Mr. William G. Burnett  
Executive Director  
Texas Department of Transportation  
125 E. 11th Street  
Austin, Texas 78701-2483

Dear Mr. Burnett:

Federal Transportation legislation and accompanying regulations specify certain roles for governors and their designated representatives. I have chosen to follow the example of previous Texas governors in delegating some of these functions to the members of the Texas Transportation Commission and others directly to the Executive Director of the Texas Department of Transportation.

By separate letter, I have delegated to the Texas Transportation Commission those powers and responsibilities granted governors of states by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). An exception to this delegation is my power and responsibility under the Symms National Recreational Trails Act of 1991, as amended, which I have delegated to the Texas Parks and Wildlife Department.

Pursuant to the authority vested in me as Governor by the constitution and laws of the State of Texas, I hereby designate you, as the Executive Director of the Texas Department of Transportation, or your designees, to sign or cause to be signed on my behalf all necessary certifications, reports or validation documents pertaining to programs of the Federal Aviation Administration, the Federal Highway Administration, the Federal Transit Administration, or the National Highway Traffic Safety Administration which may stipulate such action by the governor.

For our records, please provide my office with one copy of each document you sign on my behalf. In cases in which you exercise powers to submit statewide transportation plans or to allocate federal transportation funding programs on my behalf, please

RECEIVED

MAY 26 1995

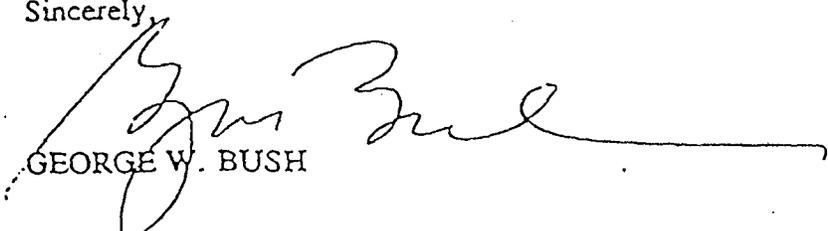
Mr. William G. Burnett

May 23, 1995

Page 2

provide my office with one copy of each document at least two weeks in advance of its signing.

Sincerely,



GEORGE W. BUSH

cc: Mr. Clyde M. DeHart, Regional Administrator  
Federal Aviation Administration

Mr. E.A. Wueste, Regional Administrator  
Federal Highway Administration

Mr. Wilbur E. Hare, Regional Administrator  
Federal Transit Administration

Ms. Georgia Chakiris, Regional Administrator  
National Highway Traffic Safety Administration

By \_\_\_\_\_

\_\_\_ B. No. \_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to enforcement of vehicle weight restrictions; providing  
3 administrative and criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 621, Transportation Code,  
6 is amended by adding Section 621.007 to read as follows:

7 Sec. 621.007. EVIDENCE OF VIOLATION. (a) In a proceeding  
8 for an administrative or criminal penalty for a violation of a  
9 weight restriction under this subtitle, a document is admissible as  
10 relevant evidence of the violation if:

11 (1) the document is:

12 (A) a record kept under Section 621.410; or

13 (B) a bill of lading, freight bill, weight  
14 certification, or similar document that is issued by a person  
15 consigning cargo for shipment or engaged in the business of  
16 transporting or forwarding cargo; and

17 (2) the document states:

18 (A) a gross weight of the vehicle or combination  
19 of vehicles and cargo that exceeds a weight restriction under this  
20 subtitle; or

21 (B) a gross weight of the cargo that combined  
22 with the empty weight of the vehicle or combination of vehicles  
23 exceeds a weight restriction under this subtitle.

24 (b) This section does not limit the admissibility of any

1 other evidence relating to the violation.

2 SECTION 2. Subchapter F, Chapter 621, Transportation Code,  
3 is amended by adding Section 621.410 to read as follows:

4 Sec. 621.410. WEIGHT RECORD. (a) This section applies only  
5 to cargo transported by a commercial motor vehicle.

6 (b) A person who weighs cargo before or after unloading or  
7 who loads or unloads cargo on the basis of liquid volume measure  
8 shall keep a written record, in the form prescribed by the  
9 department, containing the information required by Subsection (c).

10 (c) A record under this section must state:

11 (1) the origin, weight, and composition of the cargo;

12 (2) the date of loading or unloading, as applicable;

13 (3) the name and address of the shipper;

14 (4) the total number of axles on the vehicle or  
15 combination of vehicles transporting the cargo;

16 (5) an identification number of the vehicle or other  
17 identification of the vehicle required by department rules; and

18 (6) any other information required by the department.

19 (d) A person required to keep a record under this section  
20 shall keep the record for not less than 30 days after the date it  
21 is created. The person shall make the record available to  
22 inspection and copying by a weight enforcement officer on demand.  
23 A warrant is not required for this inspection and copying.

24 (e) A person who violates this section commits an offense.  
25 An offense under this section is a Class C misdemeanor.

26 SECTION 3. Subchapter G, Chapter 621, Transportation Code,  
27 is amended by adding Section 621.509 to read as follows:

1           Sec. 621.509. ADMINISTRATIVE PENALTY. (a) The Department  
2 of Public Safety may impose an administrative penalty against:

3           (1) the operator, owner, or lessee of a vehicle or  
4 combination of vehicles who operates or permits the operation of  
5 the vehicle or combination of vehicles in violation of a weight  
6 restriction under this subtitle; or

7           (2) a person who ships cargo knowing that the shipment  
8 is by vehicle or combination of vehicles operating in violation of  
9 a weight restriction under this subtitle.

10           (b) Except as provided by Subsection (c), the maximum amount  
11 of the administrative penalty is determined by the amount that the  
12 weight of the vehicle or combination of vehicles exceeds the  
13 applicable weight restriction under this subtitle, as follows:

14           (1) five cents for each pound of the excess, if the  
15 excess is less than 1,000 pounds;

16           (2) \$50 plus 10 cents for each pound of the excess, if  
17 the excess is 1,000 pounds or more but less than 3,000 pounds;

18           (3) \$250 plus 15 cents for each pound of the excess,  
19 if the excess is 3,000 pounds or more but less than 5,000 pounds;

20           (4) \$550 plus 25 cents for each pound of the excess,  
21 if the excess is 5,000 pounds or more but less than 7,000 pounds;

22 and

23           (5) \$1,050 plus 30 cents for each pound of the excess,  
24 if the excess is 7,000 pounds or more.

25           (c) If the vehicle or combination of vehicles is operating  
26 under a permit issued under Chapter 623, the minimum amount of the  
27 administrative penalty is the greater of:

1                   (1) five cents for each pound that the weight of the  
2 vehicle or combination of vehicles exceeds the weight permitted  
3 under the permit; or

4                   (2) \$100.

5                   (d) The imposition of a criminal fine for a violation does  
6 not affect a person's liability for an administrative penalty  
7 relating to the same violation.

8                   (e) A weight enforcement officer who cites a person for a  
9 violation to which this section applies shall give written notice  
10 to the operator of the vehicle involved that the operator and other  
11 persons may be liable for administrative penalties in addition to  
12 criminal penalties.

13                   SECTION 4. (a) The change in law made by this Act applies  
14 only to a violation occurring on or after the effective date of  
15 this Act. For the purposes of this section, a violation occurs  
16 before the effective date of this Act if any element of the  
17 violation occurs before that date.

18                   (b) A violation occurring before the effective date of this  
19 Act is governed by the law in effect when the violation occurred,  
20 and the former law is continued in effect for that purpose.

21                   SECTION 5. This Act takes effect September 1, 1997.

22                   SECTION 6. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the  
25 constitutional rule requiring bills to be read on three several  
26 days in each house be suspended, and this rule is hereby suspended.